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I hereby certify that this paper is being deposited with the Unites States Postal Service via Express Mail to the United States Patent and Trademark Office on the date indicated below.

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Date: 8/3/06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: John G Apostolopoulos et al

Filed: **02/16/2001 (01/19/2001)**

Group Art Unit: 2661

Serial No: **09/784,226**

Examiner:

Confirmation No: 2518

Title: METHOD AND SYSTEM FOR PACKET COMMUNICATION EMPLOYING

PATH DIVERSITY

Attorney Docket: 10006736-1

PETITION TO SECURE FILING DATE BY CORRESPONDENCE DELIVERED VIA EXPRESS MAIL UNDER 37 CRF 1.10

Sir:

- 1. Applicant petitions that the above-identified patent application be accorded the filing date of January 19, 2001, the date upon which the papers were sent to the US Patent Office via Express Mail. The Express Mail mailing label EJ764218000US is included as Exhibit A. The date in: is 1-19-01.
- 2. Enclosed please find a copy of the first page of the transmittal (Exhibit B) of the above-identified patent application. The first page of the transmittal includes an Express Mail Certification which notes a date of deposit of 1/19/01.
- 3. Enclosed please find a copy of the Return Postcard (Exhibit C) for the patent application. The Return Postcard notes the Express Mail mailing Label EJ764218000US and a filing date of 1/19/01. The date in: on the postcard that was entered by the US Patent Office is 2/16/01.
- 4. Applicant's submission is timely as Applicant only became aware of the error on 7/18/06 when responding to a Japanese office action for the Japanese counterpart of this application. The inventor pointed out that the reference cited was actually published after the filing date of the application. Upon closer observation, I noticed that the filing date on the

postcard from the PTO (Exhibit C) and the filing receipt (Exhibit D) for the US case was incorrect.

The Patent Office is hereby authorized to charge the petition fee of \$130.00 set forth in 37 C.F.R. 1.17(h) to deposit account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to deposit account 08-2025 pursuant to 37 C.F.R. 1.25.

Respectfully submitted,

Denise A Lee Reg. No. 35,931

Dated: 8/3/06 Telephone: 650/236-4868

Hewlett-Packard Company IP Administration P O Box 272400 Fort Collins, CO 80527-2400

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Label 11-B July 1997

(for 10006736-1)

IN THE U.S. PATENT AND TRADEMARK OFFICE **Patent Application Transmittal Letter**

COMMISSIO	NER	FOR PATENTS
Washington,	D.C.	20231

•	:		

Transmitted herewith for filing under 37 CFR 1.53(b) is a(n): (X) Utility () Design

(X) original patent application,

() continuation-in-part application

INVENTOR(S): John G. Apostolopoulos & Gregory W. Wornell

TITLE:

METHOD AND SYSTEM FOR PACKET COMMUNICATION EMPLOYING PATH DIVERSITY

Enclosed are:	
(X) The Declaration and Power of Attorney. () signed	(χ) unsigned or partially signed
(X) 10 sheets of drawings (one set)	() Associate Power of Attorney
() Form PTO-1449 () Information Disc	losure Statement and Form PTO-1449
() Priority document(s) () (Other)	(fee \$)
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(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	;) TOT	ALS
TOTAL CLAIMS	28 — 20	8	X \$18	\$	144
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to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17,1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Express War labor to: LOTOTE TOSES
Date of Deposit Jan. 19, 2001
I hereby certify that this is being deposited with the United States Postal Service "Express Mail Pos Offlice to Addressee" service under 37 CFR 1.10 or the date indicated above and is addressed to Commissioner for Patents, Washington, D.C 20231.

"Sygross Mail" label no E 1764218000US

Typed Name: ERIC HO

Respectfully submitted,

John G. Apostolopoulos & Gregory W.

ERIC HO

Attorney/Agent for Applicant(s)

Reg. No. 39,711

Date: Jan. 19, 2001

Telephone No.: (818) 998-7220

EXhibit C

Dear Sir:

Please acknowledge receipt of the 10006736-1 Atty: Marc Schuyler

Inventors: John G. Apostoiopoulos & Gregory W. Wornell

Title: METHOD AND SYSTEM FOR PACKET

COMMUNICATION EMPLOYING PATH DIVERSITY

Pages of specification, claims, & abstract

Received by the company of the compan

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UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE WASHINGTON, D.C. 2023

www.uspto.gov

APPLICATION NUMBER 09/784.226

FILING DATE GRÉ ART UNIT 02/16/2001

FIL FEE REC'D ATTY DOCKET NO DRAWINGS 854 10006736-1

TOT CLAIMS 28

IND CLAIMS

CONFIRMATION NO. 2518

HEWLETT-PACKARD COMPANY Intellectual Property Administration P.O. Box 272400 Fort Collins, CO 80527-2400

FILING RECEIPT

Date Mailed: 05/22/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John G. Apostolopoulos, Residence Not Provided: Gregory W. Wornell, Residence Not Provided;

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 05/21/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Method and system for packet communication employing path diversity

Preliminary Class

370